

July 6, 2021

The meeting of the Little Creek Town Board was called to order at 7:02 pm by Mayor Glenn Gauvry. Two Commissioners were present, Judy Hegman and Penny Gentry and 3 townspeople, Carol Williams, Bill Clark, and Doug Hegman.

The minutes of previous meeting were accepted in written form and a motion was made by Judy and seconded by Glenn to accept the minutes after corrections. Motion carried.

Judy read the Treasurer's Report and a motion was made by Penny and seconded by Glenn to accept the Treasurer's Report. Motion carried

Judy read a list of bills. A motion was made by Penny and seconded by Glenn to pay all bills. Motion carried

### COMMUNICATIONS

Stimulus Check – waiting for guidelines on how to spend. Can only spend on nonprofit who lost money during COVID. All money given out. No details, if in doubt contact Solicitor. Nothing other than nonprofit can get money. Hold all money until certain how to spend.

Letter for American Rescue Plan Act (ARP) fund. Funds for relief grants to nonprofits in Town. First find out if Town is considered a nonprofit. Ask Solicitor. Would like list of things money can be used for do all nonprofits qualify for money? No guidance for how to use money.

Comprehensive Plan Questionnaire – Penny talking to David Edgell.

### OLD BUSINESS

Matching funds for hydrology study. Glenn had meeting with Duffield, who will be doing work, will be starting soon. Will be billing on monthly basis. Have grant for \$49,000. Two parts, one part grant to deal with water issues and one part from Rep. Carson, that was the match, covers 100% of project. Issue is firm doing study are starting to do work and start to bill. Glenn let them know we do not want money coming from Town General Account. Glenn will reach out to Rep. Carson and Water Department and let them know need to send money for Duffield, so they can be paid for doing work. If get check for good sum money will be going into General Account. Amount to be charged will be amount that is received from Grants, will be paying bills to Duffield, who will be doing work over 90 days. Glenn will make process go.

Renters – not sure where Stacy stands with letters. Received \$500 for Ginny's house. Judy gave copies to Stacy. 6 people have paid. Probably have another 4 or 5 rentals. Coming year everyone will have to pay \$500/rental. Possibly an extra \$5000 a year to help with expenses.

Theresa and Dennis walked through Town. Got letters out to a number of people. Property on Wilson Lane they are in contact with them and they agreed to sell place. Judy wants their number knows someone interested in property. Wants to sell, not sure what he wants for property. Starting to get things out of house and will continue to work to get things out. Theresa and Dennis Ok with that. Told Theresa and Dennis to lean harder on sidewalks and curb issues to have them cleaned up have more people walking now and some sidewalks grass takes up almost half of the sidewalk. Put together spreadsheet for Dennis and he was Ok with it. Spreadsheet have him to fill out so she can do report easier. Nothing from County on Bailey property. Robles needs to be leaned on to cut grass. Cavaliers cut grass across street from property (east side).

Dog Park – big side – dogs keep digging holes around pump. Know who is doing it, but people do not control dog.

Joe talking with U of D team on little bit of configuration for site. What he originally thought was sufficient for ice cream shop is too small. Layout for site had one or two extras not earmarked for anything special. Enlarge store for ice cream parlor, working on that. Under contract, but cost for building materials has doubled, all permits have to be filed before end of the year to take advantage of sewer system or will have to start all over again for sewer, will be filed by end of year for ice cream parlor and bathrooms, he wanted to provide for people, will be locked in.

Rich Whitmore – complained to Tow Yard lawyer twice about Glenn. Glenn took photo of front of Tow Yard and inside of fence of what it looks like currently. Rich Whitmore took photos of Glenn and sent to Tow Yard Attorney. Glenn did aerial view with drone for flood plain area for people doing hydrology study and photos of where Joe's shop is while in area took photos of Tow Yard and got another email from our attorney about a complaint. Not sure if he's cleaning up or not. Since Rich has decided to be this way Town will proceed with fines for grass and cars in front yard. Had been working with him on issues on property due to divorce. Not sure what he is doing. No work being done on pole barn. Gave until August 15 to finish no further extensions, if nothing have Solicitor send him letter not further extensions and will cite reasons. Will let Theresa handle, drop her an email letting her know what you think or see. May have to get County involved after August 15 if not finished before going to Solicitor. Tell him to take pole barn down.

Hydrology study – had kick off meeting. Under impression study was going to deal with entire Town, study would be huge for that and cost at least \$200,000. Focusing on north end of Town, initially, up to and including Stone Tavern area. Drainage point coming in by Sam's house that's supposed to tie into our storm water system, but it doesn't. U of D Plan they are doing trying address that but they need hydrology study to see what they are planning on doing works. Water coming from Mahon Road overflows into our storm system. Discharge that goes underneath the road supposed to discharge back by Dog Park and doesn't include that topography issues and ditch issue on Jarman property that supposed to drain water to the Little River and doesn't catch

basin built into that area so we don't have to be reliant on Jarman property at all. But not sure is catch basin will work so need study. Discharge point by Stone Tavern, which we never knew until review was done, supposed to discharge point there so they will be looking at that. Looking at that existing storm drain system and carrying capacity of catch basins we're thinking about putting in. Will not encompass South end of Town that is another set of issues dealing with economic zone. Both Sharon and Jules are both aware of a number of grants that will allow us to continue study for rest of Town. After getting hard data from part we are paying for other grants they are comfortable we can get to allow us to continue, may have to divide the Town into thirds, but are around for Town to do what we want to do. Just in for one time – 90 days. By end of job and issue report, end of September/October, and go after funding for phase of studies.

Tow Yard. Long hearing – started at 830 a.m. had 15 minute break every hour and 1 hour for lunch trial went until 3:30 p.m. Glenn testified first and was cross examination by their attorney. Glenn in contact with our attorney during hearing, each group in separate rooms. Kyle our attorney, did a really good job, Glenn quite impressed and told him so. However, Jayne's attorney did a good job too. If you looked at who presented better it was probably a draw. Judge did ask a few questions at end. Encouraged by questions he asked at the end, clearly understands situation. Paying attention to all the details presented by both attorneys. Instructions to the two attorneys – in lieu of closing arguments judge gave them 15 pages to do closing. Judge concerned as to what legal precedents he would be using to apply the law to us or for the Jayne's told both attorneys to do a brief that would let led him to the legal precedents to what law he should be looking at if he went this way or that way. Have two weeks. Glenn got draft to review. Defense for Jayne's due to Town's mistake on first 6 month thing and had to redo, had 12 month period of time we said there were not in business, not 6. 6 now, and 6 then but filing issues that allowed the Judge to throw out. Trying to show that for a period of 12 months they were using it. Nothing to do with last 12 months. Period to time Town filed against them is conditional use in 2017-2018 not 2019, 2020 and 2021 not last 6 months or last year. Has to be in that period of time. Arguing they still were a business and showing things that they did, if one was trying to be flexible might construe they might be trying to operate as a business, even though Jayne Sr. had a car accident and was paralyzed from the waist down. Our attorney trying to break that apart and show this more not operating as a business. Cancelled truck insurance whole lot of things that a business would be doing and they stopped doing and stopped paying. So now you take the truck and pick up a car but they did it on their own dime and the money went into their personal checking account and not business account and issues about employees. Our attorney job was to pick apart what was happening on a level that one could say was a business. Their attorney trying to do the opposite. Up to Judge to who made a better case. Would like the legal frame work, from both attorney's, as to what they feel he should be looking at in making his decision. Kind of addressed issue about junk yards not being allowed in town. Going after denying conditional issue, according to the way it was written then and they way it is written now have a lot more tools to use for the Town in the future, but what was written back then and now hanging hat on 6 month or 12 months clause. Issues came out about contamination cited for things from DNREC and they fixed, nothing leaching into the soil, not documented. Not finished with this. Somebody was there on Sunday, 7/4, looking around but do this getting

now. Not finished with this they are in violation of a number of things. I like to follow through window 2017-2018 issues defined. Cannot expand over last 2 years. That would be another case, may be doing depending on outcome of this case. As soon as reports sent to judge will make a ruling. Should know by end of July.

Zoom meetings – due to increase in Delta variant, much more contagious, continue all meetings via zoom. Would have to disinfect room and require people to wear masks. Motion made by Penny and seconded by Judy to continue with zoom meetings until such time as we do not have to disinfect everything. Motion carried. Meetings will be set up for an additional 7 months for zoom meetings.

NEW BUSINESS

None

Motion made by Judy and seconded by Glenn to adjourn at 7:52 p.m. Motion carried.

Respectfully submitted,

Penny J. Gentry  
Secretary